[Shri Ratna Bahadur Rai]

Tindharia Railway Workshop which too has completed three-fourth of a century is like an octogenarian with no one to attend. When I visited this Workshop and the people working there on 9th January, 1995, I was astonished to find that this was a well-equipped workshop but neglected and mismanaged and not utilised to its capacity. I was told that even locos were assembled or manufactured here in the past. It was one of the reputed workshops in the Railways. If necessary attention is paid, it can manufacture quality goods catering to the needs of Metre Gauge and Broad Gauge locos, wagons etc. and can be turned into a profit-earning unit. To save DHR from the moribund state, some concrete steps should be taken. Firstly, the old and over-aged tracks, which run alongside the N.H. 55 frequently crossing it, making the journey most hazardous in these days of ever-increasing vehicular traffic, should be changed in a planned way. Secondly, they should keep only a nominal number of steam engine trains as historical exhibits for tourist attraction; and others should be dieselised which may enable the administration to run more train services with less cost of haulage. With dieselisation of this sector, it will grow into a viable commercial unit. I found that some employees have already been trained for this purpose. Besides this, setting up of a DHR museum in the Darjeeling Hills would be of immense importance to preserve the past glory and history of this "Toy Train", one of the pioneer ventures in the history of the Indian Railways itself. This would be an additional centre of tourist attraction which could certainly contribute to the revenue earnings in this sector.

I, therefore, urge upon the Government and the Ministry of Railways, through you, to ponder over the problems mentioned above and consider my suggestion for revitalising the DHR and do the needful at the earliest time-frame. Thank you.

Killing of Indian Fishermen

SHRI MISA R. GANESAN (Tamil Nadu): Mr. Vice-Chairman, Sir, thank you for giving me this opportunity to make my Special Mention. Through this Special Mention, I would like to register my party's strong protest against the mindless killings and atrocities continuously committed by Sri Lankan security and Navay forces against our Tamil fishermen. In spite of our repeated protests and firm condemnations in the past the brutality and barbarity of Sri Lankan security and Naval forces who are reported to be assigned with the task of patrolling the sea waters still continue to be unchecked and unabated. Killing, firing, harassment, abduction kidnapping, detention, destruction of boats, confiscation of catches of our Tamil fishermen have become the regular atrocities by the Sri Lankan forces even within the sea waters within the international boundaries.

We want to state and stress that our Tamil fishermen are a law-abiding people. They are totally dependent upon fishing for their livelihood within the international boundary of sea waters and they have every right to fish with their boats and trawlers in the international waters. Sri Lankan Government has no right to prevent them under any claim or pretext from fishing in the sea waters. Since 1983 the scale of violence against our fishermen is indeed alarming. Between 1990 and 1993 alone 136 atrocities have been reported in which 25 Tamil fishermen have been killed and their boats have been damaged and sunk.

We want to mention about the atrocities committed by the Sri Lankan forces since 1994. In January 1994, a group of fishermen from Pudukkottai went for fishing in a

motor-fitted country boat in the Indian waters and they were fired at by the Sri Lankan Navy. One fisherman, named, Dennis died on the spot. In the end of the same month, 12 fishermen who have set out from Nagapattinam in two boats were also arrested by the Sri Lankan Navy. In February, 1994, 9 fishermen who have left from Nagapattinam on the three mechanized boats for fishing were fired at by the Sri Lankan Navy. However, six persons managed to return to shores along with the three injured persons on the boat. On the 12th April, Sri Lankan Navy opened fire on the Indian fishing boat. As a result of this, four fishermen received bullet injuries but they managed to swim back to the Indian seashore. But their boat was missing after the Sri Lankan Navy opened the fire. In July, 6 fishermen from Rameswaram were taken to Sri Lanka by the Sri Lankan Navy without any justification . In August, 5 fishermen from Rameswaram were again said to have been abducted by a gang wearing black dresses and masks belonging in the Sri Lankan Navy. In September, the Sri Lankan Navy seized two fishing boats and detained four fishermen in Ramnad coast. The fate of the other four fishermen was unknown. Tamil fishermen are not at all allowed to fish around or near Kachatheevu. In October, 6 fishermen were attacked and were injured by the Sri Lankan Navy personnel while fishing in the Indian territorial waters. Again in October, while the fishermen of Rameswaram were fishing between Kachatheevu and Nedutheevu, the Sri Lankan Navy threatened them and violently taken away their catches of prawn and other valuable items in the boats. In November, Sri Lankan Navy personnel opened fire on the Indian boats and fishermen suffered bullet injuries. On Mr. Jesuraj died on the spot. In the second week of November, Sri Lankan nvy personnel kidnapped four Indian fishermen and took them to Sri Lanka along with their mechanized boat when they were fishing along Rameswaram coast.

In December, four fishermen from Rameswaram were arrested by Sri Lankan forces, three boats were sunk in tidal waves and they were caught by Sri Lankan navy for straying in the island's territorial waters.

In January, 1995, six fishermen fishing from Rameswaram were missing. In fact, they were taken and killed by Sri Lankan navy. Later their bodies were found near Kachatheevu.

On February 5, Sri Lankan Navy opened fire at a group of fishermen at Kattamoolayam. Two persons were wounded and Sri Lankan navy took away their implements and boats. On 15th February Sri Lankan Navy kidnapped Tamil fishermen near Rameswaram and their vessels were seized. After intervention of the Government of India, Sri Lankan navy personnel released them with the 'warning' that they would be shot if they strayed again into their sea-waters.

The continuous brutal actions and atrocities by Sri Lankan forces have caused great concern to the public of Tamil Nadu and seriously affected the right, privilege and life of our fishermen. To our shock and surprise, the talks which were held between the Defence Ministry of Sri Lanka and the Ministry of External Affairs of India in the past have not yielded any desired results. Hence, to stop the atrocities of Sri Lankan forces against our fishermen, my party organised a demonstration on 12th May, 1994. Even after our strong protest, the Sri Lankan Government has not yet stopped its brutal actions against our fishermen and is reluctant to cooperate for the restoration of peace and tranquillity in the sea waters.

No civilized Government would continue to indulge in such atrocities and no self-respecting citizen would be expected to tolerate such brutalities. Therefore, we strongly condemn the barbaric actions of the Sri Lankan security forces against our fishermen. We further demand that the Sri Lankan Government must issue appropriate instructions to its defence forces, especially to its navy, not to indulge in such illegal and inhuman activities which would invite dire consequences. We do hope that the new Government in its wisdom would see reason and prevent its defence forces, especially the navy from perpetration of violence against our fishermen in the sea-waters. Thank you, Sir.

SHRI T. A. MOHAMMED SAQHY (Tamil Nadu): The Central Government should take stern action.

SHRI S. VIDUTHALAI VIRUMBI (Tamil Nadu): Let the hon. Minister react.

THE VICE-CHAIRMAN (SHRI MD. SALIM): Shri V. Gopalsamy.

SHRI S. VIDUTHALAI VIRUMBI: Hon. Minister, Mr. Bhatia should react. *(Interruptions)*.

SHRI T. A. MOHAMMED SAQHY: The Minister should give an assurance... *(Interruptions)*.

THE VICE-CHAIRMAN (SHRI MD. SALIM): Please allow Mr. V. Gopalsam to speak

SHRI V. GOPALSAMY (Tamil Nadu): Mr. Vice-Chairman, Sir, it is a matter of serious concern that our fishermen are repeatedly attacked and killed by the Sri Lankan navy, in our own territorial waters.

Sir, I have been raising this issue for the past 15 years. Times without number, we have cautioned the Government of India that fishermen are attacked and killed by the naval forces of a foreign country in our own territory. Between 1983 and this date, 118 fishermen have been killed; there have been 390 attacks by the Sri Lankan navy; 103 boats were totally destroyed and more than 500 boats have been damaged. One of the great unpardonable blunders committed by the Government of India is the handing over of the Kachatheevu to the Government of Sri Lanka.

On 4th November, 1994, near Rameshwaram, our fishermen were attacked by the Sri Lankan navy; five boats were totally destroyed and the fishing instruments and nylon nets worth more than Rs. 50,000/- were totally destroyed by the Sri Lankan navy. Again, on 9th January, when our fishermen were fishing from the boat owned by Mr. Susairaj the Sri Lankan navy entered into our own territorial waters and opened fire. Antony, Benaris, Bosko, Arulanandan, Muniasamy and Mickael were seriously wounded and their whereabouts were not known. After two, three days, the bodies of our fishermen were washed ashore. Sir, again on 5th February, near Danushkodi, the Shri Lankan navy entered into our own territorial waters and attacked our fishermen. Susairaj, Selvaraj, Balnai, Ganeshmurthy, Lourdmani and Muthuvel were arrested and taken to Talaimannar where they were tortured and then were asked to return. When they were returning in their boats, the Sri Lankan navy mercilessly opened fire and brutally killed these fishermen. Sir, again on 13th February, 22 fishermen were arrested and taken to Sri Lanka where they were tortured. Again on 19th February, near Kachathivu, the Sri Lankan navy resorted to brutal firing and one Indian fisherman, Chandra Sekaran, was fatally wounded. Again on 20th February, from Jegathinathnum to Tamil Nadu, when our fishermen were fishing the sea waters, the Sri Lankan navy again resorted to firing. One Samikkanu

was shot at and another Kumar was seriously wounded. Sir, I sent a detailed letter and also a telegram to our hon. Prime Minister, Mr. P. V. Narasimha Rao and Mr. P. V. Narasimha Rao wrote a letter on 18th February that he is concerned about this matter and has requested the External Affairs Minister to look into the whole problem and see to it that necessary steps are taken to protect the fishermen particularly the Tamil Nadu fishermen. Sir, it is high time that the Government of India took up this issue with the Sri Lankan Government. It is the duty and responsibility of the Government of India to protect the lives of our fishermen and ensure their welfare. Sir, what for is the Indian Navy stationed there? It is the duty of the Government to protect our fishermen. It is the duty of our Navy to protect our fishermen. The Indian Navy remained a silent spectator when the Indian fishermen were attacked and killed by the Sri Lankan Navy. On the basis of the evidence, I have made a charge against the Government of India that the Indian remained a silent spectator when the Tamil Nadu fishermen were arrested by the Sri Lankan navy, taken to their ship, were paraded naked in the ship and after that they were thrown into the sea and when they were swimming, the Sri Lankan navy fired at them and killed them. Sir, the President of the fishermen Association from Rameswaram gave a detailed interview to the Press that the Indian Navy was a silent spectator when our own fishermen were being killed. It is very unfortunate that the Government of India is sitting as a lame duck when our fishermen are being attacked and killed by the Sri Lankan navy. Sir, to protect the life of even one citizen, the Government in many countries, take up the issue with the concerned country. When the life of a citizen is in peril, they take up the issue with the concerned Government. But here, even after repeated attacks on our fishermen and even after our repeated requests to the Government, our requests have fallen on deaf ears. And the hon. Prime Minister is saying that the Minister of External Affairs will look into the matter. But after I received a letter from the Prime Minister, the next day our fishermen were attacked and killed by the Sri Lankan Navy. Therefore, I express my anguish and agony at the callous, indifferent attitude of the Government of India. With these words, Sir, I conclude. Thank you.

SHRI V.NARAYANASAMY (Pondicherry): Mr. Vice-Chairman, Sir,...

THE VICE-CHAIRMAN (SHRI MD. SALIM): Please only associate yourself with it.

SHRI V. NARAYANASAMY: I will be very brief. Sir, actually the issue of killing of our Indian fishermen in the Indian waters by the Sri Lankan Navy is an issue concerning the whole country. On the one side, the Sri Lankan Navy enters into the Indian territorial waters and kills our fishermen who have been fishing in the Indian territorial waters, and on the other side, danger is also there for our fishermen from the millitant organisation LTTE. Both the groups are attacking and killing our fishermen and this has been going on, as my hon. friends said, right from 1983 till date. Time and again, we have been raising this issue in the House. Sir, a solution to the problem lies in making coordination between the Ministry of External Affairs and the Ministry of Defence. Sir, in the coastal areas where the crime by the Sri Lankan Navy is escalating, our Coast Guard have to intensify their activities to contain that Crime and the issue has to be taken up by the External Affairs Minister, who is sitting here, with the Sri Lankan Government to protect our Indian fishermen, especially from Tamil Nadu, who are being

Shri V. Narayanasamy — Contd.

killed indiscriminately by the Sri Lankan Navy. Sir, it is high time now that the Government of India reviewed the agreement which has been entered into between the Sri Lankan Government and the Government of India on Kachatheevu. Kachatheevu is the root cause of all the trouble that is happening right from the day of signing the agreement. When our fishermen go there and fish in the Indian waters, those people are being killed by the Sri Lankan Navy, in the name of Sri Lankan Navy going into the Kachatheevu area. Sir, another deplorable situation is that when the fishermen are killed, the bereaved families of those fisherman are not given compensation. Earlier, such families were given compensation by the Central Government. After 1989 this has been stopped. The State Government is also not coming to the rescue of the families of the fishermen. Therefore, I request the hon. External Affairs Minister to take up the matter with the Sri Lankan Government and give adequate compensation to the bereaved families of the persons who are being killed by the Sri Lankan Navy and the LTTE, while fishing in the Indian territorial waters.

SHRI S. VIDUTHALAI VIRUMBI: Sir, I also want to speak.

THE VICE-CHAIRMAN (SHRI MD. SALIM): You need not speak. You should only associate yourself with it.

(Interruptions)

SHRI S. VIDUTHALAI VIRUMBI: Sir, we want a categorical reply from the hon. Minister. ...*(Interruptions)* Sir, more than ten times we have raised this issue in the House during the last twelve months. We want the reaction of the Minister. He cannot sit like this. ...*(Interruptions)*... It is a very important matter. ...*(Interruptions)*

THE VICE-CHAIRMAN (SHRI MD. SALIM): Please listen to me ..*(Interruptions)*... Please allow me to speak...*(Interruptions)*...

SHRI MISA R. GANESAN: Our fishermen are suffering. It is a very serious matter. The Minister should react. ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI MD. SALIM): I know that it is a very serious issue and the concern expressed by you all. ...*(Interruptions)*... We also feel concerned about that... *(Interruptions)*...

SHRI S. VIDUTHALAI VIRUMBI: We want to know what the Government is doing. ...*(Interruptions)*...

SHRI MISA R. GANESAN: But what is the use of simply sitting over here?

SHRI V. GOPALSAMY: Mr. Vice Chairman, the Government of India should give due compensation. Not only that. They should take up the issue with the Sri Lankan Government... *(Interruptions)*... Proper compensation should be given to them...*(Interruptions)*...

SHRI S. VIDULTHALAI VIRUMBI: What is the reply of the Minister? The Minister should not sit idle like this... *(Interruptions)*... This is not just a Special Mention. It is a life-and-death problem of the fishermen.

...(*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI MD. SALIM): Please go to your seats ...*(Interruptions)*... Please go to your seats and listen to the Minister. ...*(Interruptions)*... Mr. Virumbi, go to your seat and listen to the Minister. ...*(Interruptions)*... Listen to the Minister. ...*(Interruptions)*... Listen to the Minister.... *(Interruptions)*... Listen to the Minister.

SHRI MISA R. GANESAN: Sir, please ask the Minister to react to it.

THE VICE-CHAIRMAN (SHRI MD. SALIM): I will ask him, but go to your seats first. Mr. Minister, please respond.. (*Interruptions*) ...Please allow the Minister to speak. He is responding.

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI R. L. BHATIA): Sir, my request is, let them give a notice. I will reply to them. Meanwhile, all I can say is that we are already taking to the Sri Lankan Government on this issue.

SHRI V. GOPALSAMY: Is it a reply, Sir? (*Interruptions*)...

THE VICE-CHAIRMAN (SHRI MD. SALIM): You write to him. ... (*Interruptions*)...

SHRI V. GOPALSAMY: Sir, the Prime Minister wrote a letter to me ... (*Interruptions*)...

SHRI S. VIDUTHALAI VIRUMBI: We want protection... (*Interruptions*)...

THE VICE-CHAIRMAN (SHRI MD. SALIM): It is not a personal issue. They are our fishermen. ... (*Interruptions*)...

SHRI S. VIDUTHALAI VIRUMBI: We want protection. (*Interruptions*).

THE VICE-CHAIRMAN (SHRI MD. SALIM): It is a question of Indian fishermen. It is concerning all of us. (*Interruptions*)... The Minister has taken up the matter. What else do you want? (*Interruptions*)

SHRI ISH DUTT YADAV (Uttar Pradesh): Let me speak.

SHRI V. GOPALSAMY: The hon. Minister knows pretty well that our people are killed. But he wants a notice. What notice does he want? (*Interruptions*)...

THE VICE-CHAIRMAN (SHRI MD. SALIM): You please go to your seat. (*Interruptions*). The whole House feels concerned about this. They are Indian fishermen. (*Interruptions*)...

SHRI V. GOPALSAMY: What notice does he want? (*Interruptions*)...

THE VICE-CHAIRMAN (SHRI MD. SALIM): I will request the Minister to take proper action. (*Interruptions*)... He will take up the matter with the Sri Lankan Government. Please. (*Interruptions*)...

SHRI ISH DUTT YADAV: The hon. Minister has taken note of it. ... (*Interruptions*)...

THE VICE-CHAIRMAN (SHRI MD. SALIM): He is also having some important matter. (*Interruptions*)...

SHRI ISH DUTT YADAV: Don't disturb me... *Interruptions*)...

SHRI V. GOPALSAMY: Sir, the Prime Minister wrote a letter to me that he had informed the External Affairs to look into the matter. But now the Minister says that he wants a notice from the hon. Members. What notice does he want? (*Interruptions*)... What is the attitude? (*Interruptions*)... Are you going to take up the issue with the Sri Lankan Government or not? (*Interruptions*)

SHRI R. L. BHATIA: We have already taken up the issue with the Sri Lankan Government and we are taking steps to resolve the issue. .. (*Interruptions*)...

THE VICE-CHAIRMAN (SHRI MD. SALIM): Shri Ish Dutt Yadav. (*Interruptions*)..

SHRI PRAGADA KOTAIAH (Andhra Pradesh): Are you going to make any *ex-gratia* payment to the kith and kin of the people killed or not?

SHRI ISH DUTT YADAV: Hon. Vice-Chairman,... (*Interruptions*)

SHRI PRAGADA KOTAIAH: We want a reply from the Minsster. What prevents the Government from making *ex gratia* payment to the family members of the deceased.

Inordinate delay in Launching Prosecution against M/s ITC Limited

SHRI ISH DUTT YADAV (Uttar Pradesh): Hon. Vice-Chairman, Sir, M/s. ITC Limited is facing various excise evasion cases, but till date this multinational company has been able to keep itself safe and free because of the influence they have got in political circles and the bureaucratic linkage. It is a well-laid down principle of the Government to launch prosecution against Central excise duty evaders after the adjudications are over and this was confirmed by the Government in reply to my Unstarred Question No. 402 of 28th December, 1990 in this House. The Government confirmed that "as per the guidelines laid down by the Central Excise and Customs, prosecution in Central excise cases is normally launched immediately after the adjudication proceedings are completed. However, if the assessee deliberately delays completion of adjudication proceedings, prosecution can be launched even during the pendency of the adjudication proceedings. It has further been decided that in evasion cases prosecution can be launched only after completion of adjudication proceedings."

I would like to draw the attention of the Government to the judgment delivered by the Director-General of Inspection against various show cause notices issued by various Collectors of Central Excise on 10th April, 1986. It is a question which is very difficult to understand why prosecution has not been launched in this particular matter where demands for more than Rs. 100 crores had been confirmed by the Director-General of Inspection, whereas in similar cases of cigarette industres, where the circumstances are the same, prosecution have been launched. The bureaucrats, under one pretext or the other, have been delaying the prosecution of M/s. ITC limited and it is a clear case of application of double standard by the Government. In reply to an Unstarred Question No. 2340 on 4-8-1992 the Government has stated that on examination it has since been decided to launch prosecution in the competent court in Calcutta and the concerned Collectors have been advised accordingly.

Prosecutions were also launched against Godrej, Voltas and other companies, but M/s. ITC Limited is being exempted from the purview of the mplementation of the guidelines and the policies of the Government. On more than two occassions, opinions of the Law Ministry and the Attorney General had been taken by the Central Board of Excise and Customs but the prosecution, in spite of confirmation in Parliament vide Starred Question No. 205 raised by Smt. Kamla Sinha on the 10th September, 1991 has not been implemented till date.

Does this Government stand by its policies and confirmation given to the Parliament or does this Government not mean any business but wants to mislead the people? It may also be pointed out that various Members of Parliament have been writing to the Government in this regard but no reply or firm action from the Government has come till date. A joint representation by various hon. Members was also sent to the hon. Finance Minister on the 27th July, 1991 but no action has been taken so far.

Sir, through you, I urge upon the Government to take immediate action